



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

Procedure No.: MSP 3.1.17A	Subject: SEARCHES
Reference: DOC Policy No. 3.1.17	Page 1 of 8 and one attachment
Effective Date: May 10, 1999	Revision: January 20, 2017
Signature / Title: /s/ Leroy Kirkegard / Warden	
Signature / Title: /s/ Gayle Butler / MCE Administrator	

I. PURPOSE

To control the introduction, fabrication, possession, and conveyance of contraband, prevent escapes, recover missing or stolen items, help maintain sanitation standards, and identify potential security, fire, and safety concerns and/or hazards.

II. DEFINITIONS

Body Cavity Search – a manual or instrument inspection of an inmate's anal cavity.

Cell Search – a complete search of an inmate housing cell and its contents, including inmate(s) if they are present at the time.

Clothed Body Search – a search during which an inmate is not required to remove his clothing. Also commonly referred to as a frisk or pat down search

Contraband – Any item possessed by an offender or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of the facility.

For the purpose of this operational procedure dangerous contraband consists of, but is not limited to:

1. Narcotics and/or controlled substances.
2. Weapons, firearms, or any instrument which if used could produce serious bodily injury.
3. Materials, instruments, and tools that could be used to affect an escape.
4. Any item listed in MSP disciplinary rule infraction #4102.

For the purpose of this operational procedure Non-Dangerous Contraband consists of, but is not limited to, items not considered dangerous.

Disability – see DOC 3.3.15, Americans with Disabilities Act (ADA) Offender Accommodations, for the definition and an explanation of disability.

Incident Report – for the purpose of this operational procedure is a printed form staff utilize to document the details regarding searches they have conducted, especially when items of contraband are found.

Staff will utilize a *Summary Action / Cell Search / Property Receipt form (attachment A)* to document/inventory inmate personal property contraband items they find during the search of an inmate's cell.

Unclothed Body Search – A visual inspection of an individual's unclothed body and thorough search of the unworn clothing to detect concealed contraband

Work Area Search – a complete search of all inmates, equipment, fixtures, and items in a work-site area.

III. PROCEDURES

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A. Purpose of Searches

1. To prevent the introduction of weapons, drugs, alcohol, escape devices, or other contraband onto Prison property.
2. To detect the presence and/or manufacture of weapons, drugs, alcohol, escape devices, etc., on Prison property.
3. To discover and suppress "trafficking" of contraband between inmates, visitors, and staff.
4. To check malicious waste or destruction of State property.
5. To discover security, sanitation, or safety problems/hazards that may go unnoticed during routine inspections.
6. To ensure a safe and secure environment for staff, the public, visitors and inmates.
7. The goal of a search is to eliminate contraband in a professional manner. All inmates will be searched in the same regard without discrimination.

B. General Search Requirements

1. Staff will wear personal protective equipment when conducting searches.
2. Staff must always be alert for needles or other sharps when conducting searches.
3. Staff should inform the inmate of any body search that is about to take place.
4. Staff should not touch the inmate any more than is necessary to conduct a comprehensive body search.
5. Staff will be provided training in area, cell, and inmate search procedures. During their six-month probationary period, new staff should be supervised by a search-experienced or trained staff member when performing any search.
6. Staff will document all searches they conduct. At a minimum they must make a logbook entry to document each area or group search (cell, dayroom, cube, work crew, visiting, etc.) they complete.
7. If an inmate with a disability is required to remove a prosthetic device during the course of a body search (clothed or unclothed), precautions shall be taken to ensure that the inmate is provided an appropriate accommodation. Appropriate accommodations include, but are not limited to, a chair for the inmate to sit in while the prosthetic is removed. All accommodations given shall be documented in OMIS.

C. Locked Housing Inmate Searches

1. Staff should place greater emphasis on conducting random and routine searches of the person, cell, and living areas of disruptive, predatory, dangerous, and other inmates housed in locked housing.
2. Staff should conduct searches at a frequency which:

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- a. makes it very difficult for inmates to store or traffic in contraband;
 - b. increases the likelihood contraband will be discovered; and
 - c. discourages inmates from risking possession of contraband.
3. Staff should conduct clothed body searches of each locked housing inmate prior to him being moved from his living area to recreation, visiting, court, or other areas beyond the inmate's dayroom.
4. Staff should conduct clothed body searches of inmates designated as predatory on a daily basis.
5. Staff should also conduct unclothed body searches of locked housing inmates and inmates designated as predatory at irregular time periods.

D. Clothed Body Searches

1. Clothed body searches will be conducted on a random basis and/or at the discretion of staff.
2. The inmate should not be touched any more than that necessary to conduct a comprehensive search.
3. Staff conducting a clothed body search will follow these steps:
 - a. inform the inmate of the search;
 - b. instruct the inmate to stand, place his feet apart, arms aside, and face you;
 - c. check the inmate's hair;
 - d. visually inspect the inmate's ears, nose, mouth, and area under his tongue;
 - e. instruct the inmate to turn around facing away from you, then check his collar, shoulders, and under his arms;
 - f. tuck your thumb in the waistband of the inmate's pants and slide it all the way around his waist;
 - g. run your palms and fingers down the outside of his legs to the ankle and up the inside of his legs to the groin; and
 - h. you may require the inmate to remove his hat, coat, shoes and socks.

E. Unclothed Body Searches

1. Unclothed body searches should be conducted by male staff when possible. It is permissible for cross gender unclothed body searches of male inmates when necessitated by staffing or emergency situations.
2. Staff will perform unclothed body searches in an area which ensures the privacy and dignity of the inmate whenever possible. Emergency situations may require immediate unclothed body searches.
3. Staff will conduct an unclothed body search upon every inmate that arrives or returns to MSP after being off facility grounds.
4. Steps of conducting a unclothed body search are as follows:
 - a. staff must wear personal protective equipment;
 - b. staff will instruct the inmate to remove all his clothing and move away from the articles;
 - c. staff will not touch the inmate;
 - d. staff will instruct the inmate to run his hands through his hair. Inmates who have very long or thick hair should be required to run a comb through their hair;

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- e. staff will instruct the inmate to open his mouth, remove any false teeth, and lift his tongue, and then visually inspect his mouth, ears and nose;
- f. staff will face the inmate and instruct him to lift his genitals. Staff will then visually inspect the area underneath;
- g. staff will check the inmate's buttocks and instruct him to squat, spread his buttocks, and cough. Staff will then visually inspect his rectum for contraband;
- h. if the inmate has a bandage(s) which might conceal contraband staff will instruct the inmate to lift or remove it so the area underneath can be visually inspected. If the inmate objects medical staff should be consulted when appropriate;
- i. staff will instruct the inmate to remove any prosthetic devices for inspection;
- j. casts should be inspected by metal detector or X-ray when possible;
- k. staff will carefully search his clothing, making sure to inspect and bend all seams; and
- l. if no contraband is found in the inmate's clothing, staff will return them to the inmate and instruct him to dress.

F. Body Cavity Search/Examination

1. Only the Warden is authorized to request outside health care providers to conduct a body cavity search/examination on an MSP inmate, and only when there is reasonable suspicion to believe contraband will be found and the inmate has consented in writing to the search.
2. Prior to conducting an instrument or surgical examination of an inmate's body cavities, including the use of an anal scope, the outside health care provider must have written authorization from the Warden and a physician.
3. The health care provider who conducts the body cavity search must:
 - a. conduct the search in a private location with MSP security personnel observing;
 - b. fully document the search and its results; and
 - c. forward documentation and the written authorizations to MSP for placement in the files the facility utilizes to store and maintains written information concerning the inmate.
4. Security staff will maintain direct supervision of the inmate at all times and ensure the safe and proper handling of any contraband that is found.

G. Cell/Work Area Searches

1. Staff will conduct searches of cells and work areas on unannounced and irregular schedules to look for contraband.
2. When conducting cell/work area searches, staff members should remember the following:
 - a. except as described in section III.K.3. of this procedure concerning the searching of native American religious items, it is not necessary for an inmate to be present at the time his cell or property is searched;
 - b. staff must document the results of all searches they conduct and complete the appropriate reports;
 - c. staff should conduct searches of cells and work areas in a systematic manner;
 - d. staff will treat inmate personal property items with respect and will not willfully discard, damage, or misplace them when searching for contraband or conducting cell inspections; and

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- e. housing unit staff will completely search/inspect housing unit cells between the time the inmate who was assigned to that cell leaves and the time it is assigned to another inmate. A Cell Check In/Out Card must be filled out and signed by the inspecting officer(s) and the inmate when he moves in and out of a cell.
3. For work areas outside the double and single fenced perimeter, the Shift Commander will notify the MCE Administrator, or appropriate program director, at least 15 minutes prior to a search/shakedown of that work area, to ensure that the supervisor or designee is available to participate in the shakedown. If the MCE Administrator or appropriate program director is not available, the shakedown can proceed with the authorization of the Shift Commander. This notification is not necessary for searches of inmate housing areas. The Shift Commander will forward copies of reports concerning searches of MCE work areas to the MCE Administrator in a timely manner.
4. Staff may perform unclothed body searches on inmates who are present when staff enter a cell, work, or activity area to perform a search before allowing them to exit the cell, work, or activity area. This includes the following:
 - a. if an unclothed body search is conducted, staff should ensure the privacy of the inmates, unless emergent or unusual circumstances prevail; and
 - b. after completion of any unclothed body searches all inmates will be directed away from the cell, work, or activity area, and secured in a safe and secure holding area.
5. Staff will take steps to minimize inmate traffic in the cell/area being searched to prevent inmate loitering.
6. Staff will conduct housing unit cell searches in a manner that:
 - a. respects inmate personal property items;
 - b. handles inmate property items judiciously, using care not to willfully discard, break, or misplace items; and
 - c. leaves the cell/area in an orderly manner consistent with the way it was found. This includes the following:
 - 1) because bedding items (mattress, pillow, linens, and blankets) must be separated and individually searched, the items will be left on the bunks, but staff will not make the bed(s); and
 - 2) because the items in the property containers or cell storage fixtures must be removed and individually searched, staff will place the items back in the containers or storage fixtures, but not exactly as found.
7. When searching legal paperwork on an inmate's person or in his cell, staff will search it for concealed contraband then scan (not read) it to ensure the legal materials belong to the inmate.
8. Inmates are not allowed to loan, trade, sell, give, etc. their personal property items to anyone. If an inmate is found in the possession of another inmate's property item(s) staff will cite both the inmate who has the item(s) and the inmate who the item(s) belonged to for a disciplinary rule infraction, and the item(s) will be seized as contraband and processed in accordance with *MSP 3.1.17B, Contraband Control*.
9. Staff will document all items seized from an inmate during a search of his person or cell on the appropriate disciplinary infraction report form (*see section K below*).

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10. Housing unit supervisors will set up a cell search schedule that will ensure that each cell is shaken down monthly. This will be accomplished by ensuring that 1st and 2nd shift unit staff are instructed to shakedown an average of three cells per shift. Third shift staff will shakedown all other areas within the prison and housing units.

H. General Area Searches

1. The Associate Warden (AW) of Security will ensure a general search of all areas of the facility is conducted as necessary and on a routine basis. Written reports on these searches, describing the scope of the search, the results, and a list of all contraband found, will be filed with the AW of Security.
2. Staff assigned to visiting areas must conduct a thorough area search of all visiting areas immediately before and after visiting hours. Inmates will not be permitted in these areas until these searches are complete.
3. The AW of Security will ensure a general search of all perimeter areas of the facility is conducted as necessary and on a routine basis.

I. Religious Items

1. Staff will treat all inmate religious items with respect and care, however all religious items are subject to reasonable search procedures.
2. If contraband is found to be concealed within any religious item, the contraband and the religious item will be confiscated and the inmate will be cited for a rule infraction on a disciplinary infraction report.
3. When staff encounter a medicine bag or the Ceremonial Sacred Pipe and wish to search it in performing their assigned duties, the medicine bag and pipe must only be visually, rather than manually, inspected and only when the designated owner is present. This includes the following:
 - a. for medicine bags, the inspecting staff will ask the inmate to show them the property receipt and approval by the religious coordinator / advisor. The inmate will assist in a visual shakedown by showing the contents, demonstrating there is no contraband; and
 - b. for the pipe, the inspecting staff will ask the carrier to open the bundle, lay out all the items, and break down the pipe. Because it is difficult to see in these areas without actually holding the pipe, the carrier must either blow through the pipe or run a pipe cleaner through the stem and bottom opening of the bowl to demonstrate there is no contraband in these places. If questions arise, the Religious Coordinator or a Religious Advisor should be contacted.

Emergency situations may require staff to conduct a manual search of a medicine bag or pipe bundle when the designated owner is not present. This search requires authorization from the unit's Sergeant or Unit Manager.

J. Drugs/Alcohol

1. Staff who find a substance suspected or known to be drugs or alcohol will not move the substance unless the area where the substance is found can not reasonably be isolated from inmates.

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2. If the area and these items can be isolated from inmates, staff will secure the area as a potential crime scene, immediately contact the Investigators office, and complete and forward a detailed incident report to the Shift Commander.
3. If the area and substance can not be isolated from inmates, staff will correctly and completely fill out an evidence receipt/card/tag, attach it to the substance, and bring it to the Command Post. The time and date of when the substance passed from the control of one person to another must be clearly documented. The staff that found the items will complete a detailed incident report and submit it, with the substance, to the Shift Commander.

K. Processing Contraband

1. Staff will document non-dangerous / minor category contraband items seized during a search of an inmate's cell on a *Summary Action / Cell Search / Property Receipt form (see attachment A)*. If the inmate is present during the search, staff will ask him if he will accept the summary action (disposal of the contraband items).
 - a. if the inmate accepts the summary action, staff will have him sign the form and give the inmate a copy. Staff will bring the paperwork and items to the Command Post to be stored in the disciplinary contraband disposal bin next to Tower 1 for disposal by disciplinary staff;
 - b. if the inmate doesn't accept the summary action, or isn't present when the contraband is seized, staff will cite him for a minor rule infraction, attach the summary action form and the infraction report to the seized item(s), and bring the paperwork and items to the Command Post. Staff will make a copy of the infraction report, attach it to the contraband, draw the keys to the appropriate unit evidence storage bin near Tower 1, and put the items and copy of the report in the bin for processing by housing unit disciplinary staff. Staff will put the original infraction report in the appropriate unit mailbox in the Command Post. The following lists the disciplinary rule infractions that may apply:
 - 4302 Possession or displaying any material of an offensive nature including, but not limited to, sexually suggestive pictures, jokes, and posters.
 - 4304 Possession of expired blister pack.
 - 4305 Possession of property belonging to another person or the state government.
 - 4312 Taking items or food from the Food Service.
 - 4319 Possession of: excessive property, items altered from their original approved condition, non-dangerous unauthorized items, and/or accumulation of garbage (nuisance contraband).
 - c. Staff will leave a copy of the completed *Summary Action / Cell Search / Property Receipt form* in the inmate's cell as a written notice of what contraband items were removed from his cell.
2. Staff will document dangerous / major category contraband items seized from an inmate during a search of his person or cell by citing him for a major rule infraction on a Disciplinary Rule Infraction report form. Staff will bring the completed disciplinary infraction report and items to the Command Post to draw the keys to store them in the disciplinary evidence storage area for processing by disciplinary staff. As the infraction report lists the contraband items that were seized, the inmate will be provided a copy of what items were taken when he is served the infraction report. The following lists the disciplinary rule infractions that may apply:

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- 4102 Possession or introduction of any firearm, weapon, ammunition, knife, sharpened instrument, items such as razor blades when they are not used as intended, Class-1 tool, to include keys and security equipment or key patterns
 - 4107 Possessing, introducing, or using any narcotic, narcotic paraphernalia, or illegal/unauthorized drug.
 - 4215 Possession of money or currency, unless specifically authorized.
 - 4218 Making, possessing, or using intoxicants.
 - 4219 Smoking/possession of any amount of tobacco or tobacco paraphernalia.
 - 4221 Possession of unauthorized clothing or identification.
 - 4222 Tattooing and/or possession of tattoo paraphernalia, including needles.
 - 4223 Smuggling/introduction or possession of unauthorized items into the institution.
 - 4224 Deliberate misuse of an authorized medication, including unauthorized possession of other individual's medication.
 - 4225 Forming a Security Threat Group (STG) or participating in STG activities. This includes possessing or displaying any materials, symbols, colors or pictures of any identified STG or behaviors uniquely or clearly associated with a STG.
3. Crime related physical evidence is as follows:
- a. when an item is seized from an inmate or his cell that may be utilized in criminal prosecution, the following procedure will be implemented. This is done to maintain a clear chain for evidence:
 - 1) staff must correctly and completely fill out an evidence receipt/card/tag and attach it to the evidence. The time and date of when evidence passed from the control of one person to another must be documented;
 - 2) once staff have completed tagging all physical evidence they will bring it to the Shift Commander who will ensure it is appropriately secured. The Shift Commander will forward a copy of the infraction report to the Disciplinary Hearings Investigator for notification purposes;
 - 3) when evidence is no longer needed, it will be disposed of in accordance with *DOC 3.1.16, Contraband Control*; and
 - 4) staff will not place wet or blood soaked evidence in plastic bags. Paper bags must be utilized.
4. Staff will deliver contraband they find that has not been determined to belong to a person, or persons, to the Command Post with a copy of an incident report attached. The Shift Commander will ensure the contraband is appropriately secured pending final disposition.

IV. CLOSING

Questions concerning this operational procedure will be directed to the AW of Security.

V. ATTACHMENTS

Summary Action / Cell Search / Property Receipt form

attachment A

STATE OF MONTANA DEPARTMENT OF CORRECTIONS

MSP ☐ MWP ☐ CONTRACT FACILITY: _____

SUMMARY ACTION / CELL SEARCH / PROPERTY RECEIPT

Type of Property <input type="checkbox"/> Approved <input type="checkbox"/> Contraband	Source of Items <input type="checkbox"/> Room/Area Search <input type="checkbox"/> Pat/Strip Search	Date & Time	Storage Location Property <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband Bin <input type="checkbox"/>
Inmate Name: _____		ID# _____	Cell/Room #: _____ Housing Unit: _____
Inmate Name: _____		ID# _____	
Type of Infraction (if applicable): _____		Location of Search/Incident: _____	

Use a separate form for contraband and another for approved items. List only one item per line. Put in disposition code (from bottom of form) as needed.

Description, condition & reason property was removed	Owner's Name	Summary Action or Hearing?	Hearing Disposition

Officer: _____	Officer: _____	Inmate: _____	Inmate: _____
This Portion to be completed by Disciplinary Unit Only			
Disposition Codes: R-returned to owner P-placed in Property Room E –Placed in Evidence Room DES - Destroyed H-held for Investigation SAC-Summary Action Confiscation DON-donate Date: _____ Disposition completed by Staff Member: _____			

Copies to: 1. Property File 2. Inmate-upon confiscation 3. Inmate-upon final disposition 4. Housing Unit
 [Chain of custody on back]